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EXAMINER

STORK, KYLE R

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TORU SORIHASHI

Appeal 2008-1687
Application 09/757,726
Technology Center 2100

Decided: July 17, 2008

Before JAMES D. THOMAS, ST. JOHN COURTENAY III,
and THU ANN DANG, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 25. We have jurisdiction under 35 U.S.C. § 6(b). An Oral Hearing regarding this appeal was conducted on July 9, 2008.

As best representative of the disclosed and claimed invention,
independent claim 1 is reproduced below:

1. An information processing device for creating and displaying a
data file, comprising:

a data creating section for creating the data file;

a data reference section for displaying reference data; and

a log recording/reproducing section which i) creates log data including
history data of operations executed by said data creating section and said
data reference section when creating the data file, and ii) controls, with
reference to said created log data, said data creating section and said data
reference section to re-execute the operations stored in the log data so as to
reproduce a creation of the data file when displaying the data file.

The following references are relied on by the Examiner:

Ichiriki	US 6,040,920	Mar. 21, 2000 (filing date Feb. 19, 1997)
Eintracht	US 6,687,878 B1	Feb. 3, 2004 (filing date Mar. 15, 1999)

Claims 1 through 25 stand rejected under 35 U.S.C. § 103(a) as being
an obvious over the combined teachings of Eintracht in view of Ichiriki.

Rather than repeat verbatim the positions of the Appellant and the
Examiner, reference is made to the Brief and Reply Brief for Appellant's
positions, and to the Answer for the Examiner's positions.

OPINION

For the reasons set for by the Examiner in the Answer, as expanded
upon here, we sustain the rejection of claims 1 through 25 under 35 U.S.C.

§ 103. Appellant's positions in the Brief and Reply Brief focus only upon independent claims 1, 20, and 23 collectively. No arguments are presented as to any dependent claims on appeal.

In a document creation and editing environment, Appellant's invention stores a history of the creation of the respective documents including the storage of operations with respect thereto to permit a later recreation or re-execution of the operations utilized in the initial creation process of the document. Figures 5, 8 through 10, 12, 13, 15, 19, 20, and 21 show along with table one at Specification page 25 log data that is created by the log recording/reproducing section 31 in figure 1 to include logging each actual operation or function of the user to create the document in the process of creation. Thus, the user can later in time recreate the history of the generation of the document.

It is this history that is the focus of the invention set forth in independent claims 1, 20, and 23 on appeal and, more specifically, the recitation of the log recording/reproducing section. Contrary to the views generally expressed in the Brief and Reply Brief, the first feature of this recitation involving the creation of log data "including history data of operations executed by the data creation section and said data reference section" does not positively recite storing the data operations themselves. This actual recitation is broader than that concept alone. Nevertheless, this recitation is the first argued deficiency of the Examiner's position of the combined teachings of two references relied upon as set forth in the Brief and Reply Brief.

The second argued feature in the Brief and Reply Brief is the second requirement of this clause relating to the log recording/reproducing section [figure 1, element 31] controlling the data creating section and the data reference section “to re-execute the operations stored in the log data so as to reproduce a creation of the data file when displaying the data file.” This is the only part of representative independent claim 1 on appeal that requires the storing of the operations themselves. Additionally, the re-execution requirement leads to the reproduction of the creation process for a given document.

Appellant’s position under topic 3 at page 9 of the principal Brief alleges that there is no motivation to combine Eintracht with Ichiriki. On the other hand, there is no substantive argument of non combinability here, but merely the recognition that if they are properly combined the two features noted earlier are allegedly not taught among the collective teachings of both references. We do not view Appellant’s additional urging that any modification of Eintracht to include the application software of Ichiriki would not have provided the ability to log anything other than user notes as an argument that there was not sufficient motivation for the artisan to have combined the teachings of both references.

Nevertheless, even if we consider the merits of Appellant’s arguments that the combined teachings of both references would have not provided the ability of the user to log anything other than user’s notes, Appellant has admitted the capabilities already existed in the art to log the associated operations themselves. Appellant’s discussion of the admitted prior art at Specification pages 2 and 3 notes that in accordance with the published

Japanese unexamined patent application published on November 4, 1994, it was known in the art to store the input history including the execution history during the creation process of a document. The related discussion in the paragraph bridging Specification pages 3 and 4 expands upon the material just noted at Specification page 2 by specifically indicating that an associated character input operation was stored as a part of this operation history. The end result permitted the reader to reproduce or otherwise re-execute the creation of the document data by referencing this logged input history of the creation of the document.

Since Appellant has readily admitted that the two argued features allegedly not present in the combination of teachings of the applied prior art where known in the art, we affirm the rejection of all claims on appeal. Since it was known in the art to create data logs of user notes as well as the associated operations themselves during the document creation process, thus permitting the later reproduction or re-execution of those original operations during a subsequent recreation or reproduction process, these would have been an obvious enhancement to the allegation that the best combination from the Examiner's applied prior art was the ability to log only users notes.

In view of the foregoing, the decision of the Examiner rejecting claims 1 through 25 on appeal under 35 U.S.C. § 103 is affirmed.

Appeal 2008-1687
Application 09/757,726

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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